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EX PARTE OR LATE FILED

John E. Logan

March 8, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: *Ex parte* Presentation
CC Docket No. 99-200

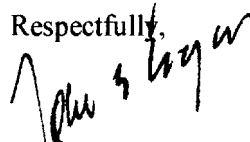
Dear Ms. Salas:

Today, Ms. Tina S. Pyle, Senior Director for Public Policy, MediaOne, Richard A. Karre, Senior Attorney, MediaOne, and the undersigned, met with Peter Tenhula, Senior Legal Advisor to Commissioner Powell, to discuss the above proceeding.

At the meeting, we discussed MediaOne's position in this proceeding, which is summarized in the attachment. Representatives of MediaOne also discussed a Solicitation of Comments on Revisions to Adopted Pooling Guidelines for the 310 Area Code issued by an Administrative Law Judge of the Public Utilities Commission of the State of California. A copy of this document attached. We also discussed, and have enclosed a copy, a report by the North American Numbering Administrator, NeuStar, entitled "310 Combined Forecast", dated March 5, 2000.

The necessary copies are enclosed.

Respectfully,



John E. Logan

Attachments

Copy Provided to: Mr. Peter Tenhula, Senior Legal Advisor to Commissioner Powell

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Digital Telephone Services

Creating Consumer Choice In Local Telecommunications: Optimizing Numbering Resources

March 2000

FCC Docket No. 99-200

Implement Federal Mechanisms

- The lack of sufficient numbering resources is a formidable barrier to local entry.
 - MediaOne's market entry plans have been delayed due to a lack of numbering resources in California, Massachusetts and New Hampshire.
- To remove this significant barrier, uniform federal numbering measures must be implemented expeditiously.

Recommended Rule Change

Section 52.19 of the Commission's rules, 47 CFR § 52.19, should be amended by adding a new subsection (d) to read as follows:

- (d) In resolving matters involving the introduction of new area codes within their states, state commissions may not engage in number conservation or rationing measures to the exclusion of, or as a substitute for, timely area code relief. Specifically, a state commission
 - (1) shall order implementation of area code relief when numbering resources have become so depleted that steps taken to conserve or ration numbering resources preclude carriers from offering services,
 - (2) may institute a process for the rationing of central-office codes only where the state commission has ordered area code relief, established a relief date, and attempts to reach consensus on a rationing plan among industry participants have failed,
 - (3) may, subject to the conditions below, implement thousands-block pooling in any area code under its jurisdiction.
 - (i) A state commission may not institute a process for the rationing of thousands blocks, where thousands-block pooling has been implemented
 - (ii) In conjunction with the implementation of thousands-block pooling, a state commission must create, as expeditiously as possible, a contingency plan for area code relief for the area code(s) subject to thousands-block pooling.

Recommended Rule Change: Conservation and Rationing Cannot Be Submitted For Timely Area Code Relief

- For pooling to succeed, the area code must have sufficient thousands-blocks available to assign to carriers.
 - If an area code is nearly out of numbers, thousands-block pooling will not provide the numbers needed by competitors.
- States cannot be allowed to ration thousands-blocks.
 - If this occurs, competition is impaired, if not stopped completely.

Recommended Rule Change: The Requirements For Rationing

- A state should be allowed to institute the rationing of entire Central Office codes (but not thousands-blocks) only where:
 - It has ordered area code relief;
 - It has an established relief date, and
 - Attempts to reach consensus on a rationing plan among industry participants have failed.
- Otherwise, consumers are denied their choice in carriers.

Order Thousands-Block Number Pooling in The Top 100 MSAs

- Adopt INC Thousands-Block Number Pooling Guidelines for LNP-capable carriers.
 - A uniform set of federal rules and definitions is the most efficient and effective method of implementing pooling across the country.
- Order mandatory thousands-block number pooling in the top 100 MSAs and “current” jeopardy areas.
 - Require implementation of pooling on a “staggered” schedule beginning 10/1/00 with completion by 7/1/01.
 - Require that pooling be implemented in other areas by 7/1/03.

Order Additional Number Conservation Measures

- Establish a uniform set of federal definitions and rules to optimize number utilization before pooling is implemented.
 - For example, verification rules, reporting/record-keeping requirements, audits, enforcement processes and reclamation.
 - Require implementation by 7/1/00.

Establish Cost Recovery Mechanism

- The FCC has recognized that a cost recovery system must be competitively neutral.
 - Carrier-specific costs should be borne by each individual carrier.
 - A revenue-based allocator should be used for industry-wide costs.
 - Intrastate, interstate and international end-user telecommunications revenues.
 - Allow CLECs to recover their costs in any lawful manner.

Recommendations

- Conservation and rationing will not solve number shortages.
- The FCC must make clear that, where numbers are depleted, a new area code must be implemented.
- The FCC should order the prompt nationwide rollout of thousands-block pooling.
- The FCC should order a uniform set of federal definitions and rules to optimize number utilization.
- The FCC should establish a competitively neutral cost recovery system.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into Competition
for Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition
for Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)

**ADMINISTRATIVE LAW JUDGE'S RULING
SOLICITING COMMENTS ON REVISIONS TO
ADOPTED NUMBER POOLING GUIDELINES
FOR THE 310 AREA CODE**

This ruling is issued to provide parties an opportunity to comment concerning certain proposed changes in the process for implementing thousand-block number pooling in the 310 Numbering Plan Area (NPA) as prescribed by the Assigned Commissioner's Ruling (ACR) issued on November 15, 1999. The proposed changes are discussed herewith.

Sequence to be Used for Assigning Thousand Blocks

By letter to Commissioner Josiah L. Neeper (coordinating commissioner of telecommunications matters) dated January 27, 2000, the co-chairs of the California Number Pooling Task Force (CNPTF) requested Commission authority to deviate from the number pooling procedures adopted in the ACR. In particular, the CNPTF want to utilize the most current version of the Industry Numbering Committee (INC)

guidelines for the 310 NPA pooling trial rather than the August 30, 1999 guidelines, as ordered in the ACR.

If the Commission determines to continue applying the August 30, 1999 guidelines, the CNPTF asks that a deviation at least be made in the sequencing of thousand-block assignments made to pooling participants. The INC Guidelines prescribe the order of assignment for thousand-number blocks to pooling participants. At the CNPTF meeting on January 6, 2000, carriers reached consensus that the first category of thousand blocks in order of assignment to pooling participants should come from uncontaminated thousand blocks from the pool where possible. Contaminated thousand blocks would be assigned later in the process. The adoption of this sequencing order would constitute a change to Section 9.4.3 (c) of the existing INC Guidelines.

The CNPTF proposes that the following order be used in assigning thousand blocks from the 310 NPA number pool as follows:

Sequencing Priority	Description
1	The service provider's (SP's) donated contaminated thousand blocks;
2	SP-donated uncontaminated thousand blocks (first attempting to use the 0, 1, 8, and 9 thousand block);
3	Other SP's available uncontaminated thousand blocks (first attempting to use the 0, 1, 8, and 9 thousand block; and
4	Other SP's contaminated blocks.

Before any change is authorized in the guidelines previously adopted in the ACR, all parties of record shall be given an opportunity to comment on the CNPTF-proposed deviation in the sequencing process. Parties are also invited to comment on the Commission Telecommunications Division (TD) alternative proposal concerning how the sequence of thousand-number block assignments should be made.

TD proposes that the following priority sequencing be applied only for the first 30 days of the pooling trial:

Sequencing Priority	Description
1	The service provider's (SP's) donated contaminated thousand blocks;
2	SP-donated uncontaminated thousand blocks (first attempting to use the 0, 1, 8, and 9 thousand block);
3	Other SP's donated uncontaminated thousand blocks (first attempting to use the 0, 1, 8, and 9 thousand block; and
4	Other SP's contaminated blocks.
5	Other uncontaminated blocks that include, but are not limited to: (a) returned blocks and (b) previously set aside blocks and other blocks from new NXX codes

The priority assignment of uncontaminated blocks will avoid the potential for service disruptions to customers whose numbers may otherwise be included in a block of numbers assigned to a carrier who is not their service provider. By allowing this arrangement for the first 30

days of the trial, carriers would have the opportunity to work out any remaining “bugs” in the pooling system without putting any customer’s service quality at risk.

After the first 30 days of the pooling trial, however, TD proposes that other SPs’ contaminated blocks be used second in the thousand-block assignment sequence, rather than last, as proposed by the CNPTF. TD believes that sequencing the contaminated blocks second will promote more efficient utilization of numbers and will maximize the number of remaining uncontaminated blocks. Thus, the revised block assignment sequencing after the first 30 days as proposed by TD would be:

Sequencing Priority	Description
1	SP’s donated contaminated blocks
2	Other SP’s contaminated blocks
3	SP donated uncontaminated blocks
4	Other SP donated uncontaminated blocks
5	Other uncontaminated blocks that include, but are not limited to: (a) returned blocks and (b) previously set aside blocks and other blocks from new NXX codes

The INC guidelines specify that the sequence order used by the pooling administrator will be followed unless the applicant requests a specific thousand block. TD thus proposes that the Commission consider imposing restrictions on a carrier’s ability to unilaterally determine which specific thousand blocks it may request in order to avoid circumvention of the adopted sequencing order adopted by the Commission.

Pooling Administrator's Inventory Level

The INC Guidelines adopted in the ACR call for the pooling administrator to maintain a nine-month inventory level to provide a lead-time cushion for carriers seeking to obtain blocks of numbers from the pool. The maintenance of a nine-month inventory, however, also places more strain on the remaining number resources in the 310 NPA and tends to increase the risk of an earlier code exhaustion date. TD proposes to reduce the pooling administrator's inventory down to a three-month level in order to maximize the number of unassigned blocks potentially available to pooling participants.

TD Approval for the Opening of NXX Codes

TD proposes that the pooling administrator be required to obtain written authorization from the Director of TD before opening any additional NXX codes for use in the number pool. TD proposes that the pooling administrator make a request to the TD Director by letter for authorization to open an NXX code for the pool, with the TD Director to respond within seven business days to the request. In its letter to the TD Director, the pooling administrator would provide the supporting rationale for opening the new code(s). TD believes this measure is appropriate to provide for the necessary control and monitoring of the remaining availability of 310 NPA numbering resources.

Limits on Number Blocks Assigned

TD proposes that limits be imposed on the number of thousand-blocks that may be assigned to pooling participants at any one time. TD is concerned that lack of any controlled limits on the assignment of blocks could prematurely exhaust the 310 NPA. As a precautionary

measure to guard against this risk, TD proposes that no more than 25% of the available pooling inventory be subject to assignment within each quarterly period after the pool begins operation.

Commission Staff's Rights to Proprietary Data

The ACR did not explicitly discuss the issue of Commission staff's rights to obtain any data deemed necessary from the pooling administrator or carriers. Nonetheless, apart from any particular authorization by Commission ruling, decision, or terms of contracts, the Commission and its staff are independently empowered to obtain information from a public utility that is necessary for the Commission to carry out its regulatory duties (see Public Utilities Code Sections 581, 582). Moreover, any information deemed proprietary that is provided to the Commission must be treated confidentially and protected from public disclosure accordingly as provided for by Commission General Order 66-C and Public Utilities Code Section 583.

These provisions apply in the case of carriers providing proprietary information to the pooling administrator where such information is requested by the Commission or its staff. Both carriers and the pooling administrator are reminded of their obligation to comply with staff requests for such data in accordance with applicable provisions of law and Commission orders.

IT IS RULED that:

1. Comments are solicited from parties concerning the proposed revisions and augmentations to the pooling guidelines as outline above applicable to the 310 Numbering Plan Area (NPA) pooling guidelines

R.95-04-043, I.95-04-044 TRP/avs

previously adopted by Assigned Commissioner Ruling dated November 15, 1999.

2. A single round of concurrent comments on this matter shall be due by March 3, 2000.

Dated February 22, 2000, at San Francisco, California.

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Soliciting Comments on Revisions to Adopted Number Pooling Guidelines for the 310 Area Code on all parties of record in this proceeding or their attorneys of record.

Dated February 22, 2000, at San Francisco, California.

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

310 Combined Forecast

	A	B	C	D	E	F	G	H	I	J	K	L	Q	R	S	T	U	V	W	X	AC	AD	AE	AF	AG	AH
1	310 Rate Centers	Forecast	Jeopardy	Jeopardy	Jeopardy	Jeopardy	Jeopardy	Jeopardy	Jeopardy	# of Codes	Jeopardy	Jeopardy	Jeopardy	Jeopardy	Jeopardy	Jeopardy	Jeopardy	Jeopardy	# of Codes	18 Mo Total	(Donations)	New Code	Code+Bkts	Assigned 00		
2			1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total 2000				1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total 2001											
3	AVALON		1	0	1	0	2	0	1	0	1	0	1	0	2	1	4	2	0	2	0	2	0			
4	BEVERLY HILLS		12	13	23	27	75	1	24	22	18	15	12	12	64	7	139	71	0	71	0	71	0			
5	CMTN CMTN		15	8	13	15	51	3	18	15	12	12	12	12	45	7	96	30	0	30	0	30	0			
6	CMTN GRDN		11	11	20	17	59	0	19	19	15	12	12	12	53	5	112	71	0	71	0	71	0			
7	CULVER CITY		12	9	13	16	50	1	19	17	15	12	12	12	51	7	101	40	0	40	0	40	0			
8	EL SEGUNDO		15	17	20	25	77	4	26	24	17	12	12	12	67	10	144	46	0	46	0	46	0			
9	HAWTHORNE		11	11	19	17	58	3	14	20	15	12	12	12	49	8	107	35	0	35	0	35	0			
10	INGLEWOOD		10	8	14	19	52	0	13	18	12	12	12	12	43	4	95	59	0	59	0	59	0			
11	LOMITA		9	6	12	12	39	2	10	14	8	12	12	12	32	5	71	23	0	23	0	23	0			
12	MALIBU		9	7	7	8	31	0	6	7	8	12	12	12	21	2	52	34	0	34	0	34	0			
13	REDONDO		15	9	18	18	60	0	18	24	24	12	12	12	68	7	126	62	0	62	0	62	0			
14	SNMN MRVS		20	17	29	30	96	4	29	31	28	12	12	12	88	13	184	61	0	61	0	61	0			
15	SNMN SNMN		26	23	34	40	123	7	47	45	40	12	12	12	132	20	255	80	0	80	0	80	0			
16	SAN PEDRO		10	4	10	12	36	0	10	13	10	12	12	12	33	3	69	42	0	42	0	42	0			
17	TORRANCE		14	9	19	14	56	0	17	15	16	12	12	12	48	4	104	68	0	68	0	68	0			
18	W ANGELES		21	22	32	43	118	6	47	47	41	12	12	12	135	19	253	63	0	63	0	63	0			
19	Total 2000 =		211	175	284	313	983	31	318	331	280	929	122	1912	787	0	63	0	63	0	63	0				
20			1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total 2000		1st Qtr	2nd Qtr	3rd Qtr	Total 2001		18 Mo	Total	Total										
21																										
22																										
23																										
24																										
25	Forecasted Bkts 2000	=	983	=		Forecast Total	=	1912																		
26	Total Donations (Bkts)	=	767	=	18 Month	Donation Total	=	787																		
27	Difference (Bkts) 2000	=	-216	=		Difference Total	=	1145																		
28	Codes needed in 00	=	31	=		Codes Needed	=	122																		
29																										
30																										
31	310 Number Pooling began = 3-18-00																									
32	Prepared By --	Kevin Gatchell																								
33	V-925-383-8742	Pooling Administrator																								
34	F-925-383-8781																									
35	Email kevin.gatchell@neustar.com																									
36																										

NEUSTAR